

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

	X	
Varsity Spirit, LLC, Varsity Spirit Fashions & Supplies, LLC and Varsity Brands, LLC,	:	
Plaintiffs,	:	<b><u>COMPLAINT</u></b>
-against-	:	Case No.
Varsity Views, LLC, and JOHN DOES 1-10,	:	<b><u>JURY TRIAL DEMANDED</u></b>
Defendants.	:	

Plaintiffs Varsity Spirit, LLC, Varsity Spirit Fashions & Supplies, LLC and Varsity Brands, LLC, by and through their undersigned attorneys, for their Complaint hereby allege as follows:

**JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) and 15 U.S.C. § 1121 with respect to the claims arising under the Lanham Act, and supplemental jurisdiction pursuant to 28 U.S.C. §§ 1338(b) and 1367(a) with respect to the claims arising under Illinois law.

### **NATURE OF THE ACTION**

2. This is a civil action for trademark infringement and false designation of origin under the Trademark Act of 1946, 15 U.S.C. § 1051 *et seq.*, as amended (the “Lanham Act”), common law unfair competition and violation of the Illinois Uniform Deceptive Trade Practices Act and Illinois Consumer Fraud and Deceptive Business Practices Act.

### **PARTIES**

3. Plaintiff Varsity Brands, LLC is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business at 6745 Lenox Center Court, Suite 300, Memphis, Tennessee 38115.

4. Plaintiff Varsity Spirit Fashions & Supplies, LLC is a limited liability company organized and existing under the laws of the State of Minnesota with its principal place of business at 6745 Lenox Center Court, Suite 300, Memphis, Tennessee 38115.

5. Plaintiff Varsity Spirit, LLC is a limited liability company organized and existing under the laws of the State of Tennessee with its principal place of business at 6745 Lenox Center Court, Suite 300, Memphis, Tennessee 38115. Plaintiffs Varsity Brands, LLC, Varsity Spirit Fashions & Supplies, LLC and Varsity Spirit, LLC are hereinafter referred to collectively as “Varsity” or “Plaintiffs.”

6. Upon information and belief, Defendant Varsity Views, LLC is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business at 2147 Illinois Road, Northbrook, Illinois 60062 and does and/or transacts business in this District.

7. Upon information and belief, Defendants John Does 1-10 (“John Does”) are individuals who reside or do or transact business in this District, and have engaged and participated, directly or contributorily, in the unlawful acts set forth herein. The true identities of John Does are not presently known to Plaintiff. Plaintiff will amend its complaint upon discovery of the identities of such Defendants.

**FACTUAL BACKGROUND AND GENERAL ALLEGATIONS**

8. Plaintiffs are a group of entities that for over 40 years have operated businesses using corporate names and trade names that include the name and mark VARSITY (the “Varsity Trade Names”). Plaintiffs since their formation have been among the most successful and highly respected companies in the United States engaged primarily in the business of organizing and sponsoring cheerleading events, camps and competitions using the trademark VARSITY, with and without other words and designs in stylized forms (the “VARSITY Family of Marks”) and, *inter alia*, offering goods and services using the VARSITY Family of Marks, directed to students and others at all levels and of all ages, including providing web content and videos, live events and webisodes via broadband network.

9. Since 1999, with the launch of VARSITY.COM, Varsity has provided web content directed to high school and college age teens and their parents, as well as online news, articles, audio clips, resources, photos and videos.

10. For many years, and long prior to any use by Defendants, Varsity has produced television programming on ESPN and Fox Network.

11. In order to keep pace with changing technology, Varsity’s programming is constantly expanded to future platforms, and Varsity has launched VARSITY TV which features

videos, live events and webisodes on Varsity's broadband network, making Varsity a worldwide provider of media content across multiple platforms.

12. Plaintiffs are the owners of numerous trademark applications and registrations and domain name registrations in the United States for its VARSITY Family of Marks, including its distinctive V design and logo.



13. Varsity's registered and applied for trademarks include without limitation:

MARK	REG. NO.	REG. DATE	GOODS/SERVICES
VARSITY (STYLIZED)	879543	10/28/1969	PAJAMA AND ROBE SETS
JUNIOR VARSITY SPIRIT FASHIONS	1575830	1/2/1990	MAIL ORDER CATALOG SERVICES IN THE FIELD OF CHEERLEADER UNIFORMS FOR YOUNGER AGE GROUPS
VARSITY SPIRIT FASHIONS	1680452	3/24/1992	MEN'S AND WOMEN'S CHEERLEADER AND DANCE TEAM CLOTHING; NAMELY, SKIRTS, SWEATS, SWEATERS, TOPS, PANTS, SHOES
VARSITY SPIRIT	1796645	10/5/1993	SHOES CONDUCTING CHEERLEADING, DANCE TEAM AND GYMNASTICS TRAINING CAMPS, CLINICS, SEMINARS, WORKSHOPS, COMPETITIONS, CHAMPIONSHIPS AND TOURNAMENTS; PERFORMING CHEERLEADING AT BOWL GAMES; PRIVATE GYMNASTICS, CHEERLEADER AND DANCE TEAM COACHING
VARSITY	1812198	12/21/1993	MEN'S AND WOMEN'S SLEEPWEAR,

			UNDERWEAR, NIGHT SHIRTS, LOUNGEWEAR AND BOXER SHORTS
VARSITY	2082554	7/22/1997	MENS UNDERWEAR; T-SHIRTS; BRIEFS; ATHLETIC SHIRTS; UNDERGARMENTS; PAJAMAS; ROBES; NIGHTSHIRTS; LOUNGEWEAR AND BOXER SHORTS SOLD THROUGH RETAIL OUTLETS
VARSITY GIRL	2155823	5/5/1998	CLOTHING FOR GIRLS, NAMELY, WOVEN SHIRTS, KNITTED SHIRTS, JOGGING SUITS AND SHORTS
VARSITY SPORT	2293083	11/16/1999	ATHLETIC WEAR, NAMELY, SPORTS SHIRTS, SPORTS SHORTS, GLOVES, VESTS, TOPS, SKIRTS, JUMPERS, WARM-UP SUITS, PANTS, SWEATERS, ATHLETIC SHOES, SWEATSHIRTS, T-SHIRTS, ATHLETIC SHORTS, SWEATPANTS, TIGHTS, LEOTARDS, UNITARDS, DRESSES AND JACKETS
V VARSITY AND DESIGN	2357303	6/13/2000	CHEERLEADER UNIFORMS, DRILL TEAM UNIFORMS AND POM PON SQUAD UNIFORMS
VARSITY	2526564	1/8/2002	ATHLETIC SHIRTS, ATHLETIC SHORTS, ATHLETIC TOPS, BODY SUITS, DRESSES, HATS, JACKETS, JERSEYS, JUMPERS, LEOTARDS, PANTS, SKIRTS, SWEATERS, SWEAT PANTS, SWEAT SHIRTS, T-SHIRTS, UNITARDS, AND WARM-UP SUITS SOLD TO COLLEGES, HIGH SCHOOLS AND SCHOOL-AFFILIATED TEAMS, CLUBS, GROUPS AND INDIVIDUALS BY DIRECT SALES THROUGH SALES REPRESENTATIVES OR EMPLOYEES OF APPLICANT, THROUGH MAIL ORDER CATALOG SERVICES OR THROUGH CAMPUS BOOK STORES OR OTHER RETAIL OUTLETS LOCATED AT COLLEGES AND HIGH

			SCHOOLS; UNIFORMS FOR CHEERLEADERS, DRILL TEAMS, POM POM SQUADS, PEP SQUADS, MASCOTS, BANDS AND BOOSTER CLUBS
Varsity.com	3418764	4/29/2008	ONLINE RETAIL STORE SERVICES FEATURING PRE-RECORDED COMPACT DISCS, SCHOOL SUPPLIES, JEWELRY; PROVIDING A WEBSITE WHICH FEATURES ADVERTISEMENTS FOR THE GOODS AND SERVICES OF OTHERS ON TOPICS OF INTEREST TO TEENAGE BOYS AND GIRLS ON A GLOBAL COMPUTER NETWORK TRAVEL AGENCY SERVICES, NAMELY, MAKING RESERVATIONS PROVIDING AN ONLINE DATABASE IN THE FIELD OF TOPICS OF INTEREST TO TEENAGE BOYS AND GIRLS, NAMELY, FASHION
Varsity	3436493	5/27/2008	ONLINE RETAIL STORE SERVICES FEATURING PRE-RECORDED COMPACT DISCS, SCHOOL SUPPLIES, JEWELRY; PROVIDING A WEBSITE WHICH FEATURES ADVERTISEMENTS FOR THE GOODS AND SERVICES OF OTHERS ON TOPICS OF INTEREST TO TEENAGE BOYS AND GIRLS ON A GLOBAL COMPUTER NETWORK TRAVEL AGENCY SERVICES, NAMELY, MAKING RESERVATIONS PROVIDING AN ONLINE DATABASE IN THE FIELD OF TOPICS OF INTEREST TO TEENAGE BOYS AND GIRLS, NAMELY, FASHION
Varsity.com	3689696	9/29/2009	CAMPS, NAMELY, CHILDREN'S RECREATIONAL CAMPS, CHEERLEADING CAMPS, AND SOCCER CAMPS
Varsity	3696209	10/13/2009	PRE-RECORDED VIDEOTAPES AND COMPACT DISCS CONTAINING

			MUSIC AND/OR MOVIES CAMPS, NAMELY, CHILDREN'S RECREATIONAL CAMPS, CHEERLEADING CAMPS, AND SOCCER CAMPS
V (STYLIZED)	3782739	4/27/2010	COSMETICS, NAMELY, LIPSTICK, LIP LINER, FACE POWDER, BLUSH, MASCARA, EYELINER, EYEBROW PENCIL, AND EYE SHADOW ATHLETIC SHIRTS, ATHLETIC SHORTS, ATHLETIC TOPS, BODY SUITS, DRESSES, HATS, JACKETS, JERSEYS, JUMPERS, LEOTARDS, PANTS, SKIRTS, SWEATERS, SWEAT PANTS, SWEATSHIRTS, T-SHIRTS, UNITARDS AND WARM-UP SUITS SOLD TO COLLEGES, HIGH SCHOOLS AND SCHOOL- AFFILIATED TEAMS, CLUBS, GROUPS AND INDIVIDUALS BY DIRECT SALES THROUGH SALES REPRESENTATIVES OR EMPLOYEES OF APPLICANT, THROUGH MAIL ORDER CATALOGUE SERVICES OR THROUGH CAMPUS BOOKSTORES OR OTHER RETAIL OUTLETS LOCATED AT COLLEGES AND HIGH SCHOOLS; UNIFORMS FOR CHEERLEADERS, DRILL TEAMS, POM POM SQUADS, PEP SQUADS, MASCOTS, BANDS AND BOOSTER CLUBS; FOOTWEAR, NAMELY, ATHLETIC SHOES, CHEERLEADER SHOES, DANCE SHOES, SLIPPERS, FLIP-FLOPS AND SANDALS TELEVISION BROADCASTING CAMPS, NAMELY, CHILDREN'S RECREATIONAL CAMPS, CHEERLEADING CAMPS AND SOCCER CAMPS; ENTERTAINMENT SERVICES, NAMELY, PROVIDING A WEBSITE FEATURING AUDIO AND VIDEO PRESENTATIONS

			<p>FEATURING CHEERLEADING AND DANCE, CHEERLEADING AND DANCE COMPETITIONS, PHOTOGRAPHS AND FASHION; CONDUCTING CHEERLEADING, DANCE AND GYMNASTICS COMPETITIONS, CAMPS AND EVENTS, AND PROVIDING INSTRUCTION AND TRAINING IN THE FIELDS OF SPORTS, CHEERLEADING, GYMNASTICS AND DANCE; PROVIDING INSTRUCTION AND DEMONSTRATION SERVICES IN THE FIELDS OF CHEERLEADING, DANCE AND GYMNASTICS FOR CHEERLEADERS, POM POM SQUADS, DANCE TEAMS, MASCOTS, GYMNASTS AND OTHER SCHOOL GROUPS; TRAINING OF SPIRIT LEADERS, NAMELY, CHEERLEADERS, POM POM GIRLS, MASCOTS AND RALLY GROUPS; PROVIDING CHOREOGRAPHY INSTRUCTION AND CUSTOM MUSIC MIXING SERVICES TO CHEERLEADERS AND SPIRIT TEAMS; PROVIDING CHEERLEADING CAMPS FEATURING WORKSHOPS ON CHANTS, TUMBLING, DANCE ROUTINES, POM POMS AND RELATED SKILLS; EDUCATIONAL SERVICES, NAMELY, COURSES FOR THE TRAINING AND INSTRUCTION OF DANCE TEAMS, DRILL TEAMS AND POM POM SQUADS; PROVIDING EDUCATIONAL AND INSTRUCTIONAL COURSES IN THE FIELDS OF SPIRIT, CHEER AND DANCE DELIVERED BOTH ONLINE AND THROUGH THE CLASSROOM</p>
VARSITY (STYLIZED)	3782740	4/27/2010	<p>COSMETICS, NAMELY, LIPSTICK, LIP LINER, FACE POWDER, BLUSH,</p>



			MASCARA, EYELINER, EYEBROW PENCIL, AND EYE SHADOW ATHLETIC SHIRTS, ATHLETIC SHORTS, ATHLETIC TOPS, BODYSUITS, DRESSES, HATS, JACKETS, JERSEYS, JUMPERS, LEOTARDS, PANTS, SKIRTS, SWEATERS, SWEATPANTS, SWEATSHIRTS, T-SHIRTS, UNITARDS AND WARM-UP SUITS SOLD TO COLLEGES, HIGH SCHOOLS AND SCHOOL-AFFILIATED TEAMS, CLUBS, GROUPS AND INDIVIDUALS BY DIRECT SALES THROUGH SALES REPRESENTATIVES OR EMPLOYEES OF APPLICANT, THROUGH MAIL ORDER CATALOGUE SERVICES OR THROUGH CAMPUS BOOKSTORES OR OTHER RETAIL OUTLETS LOCATED AT COLLEGES AND HIGH SCHOOLS; UNIFORMS FOR CHEERLEADERS, DRILL TEAMS, POM PON SQUADS, PEP SQUADS, MASCOTS, BANDS AND BOOSTER CLUBS; FOOTWEAR, NAMELY, ATHLETIC SHOES, CHEERLEADER SHOES, DANCE SHOES, SLIPPERS, FLIP-FLOPS AND SANDALS
VARSITY UNIVERSITY	3797635	6/1/2010	PROVIDING EDUCATIONAL AND INSTRUCTIONAL COURSES IN THE FIELDS OF CHEERLEADING ROUTINES, STUNTS, SEQUENCES, SKILLS AND DRILLS, CHOREOGRAPHY AND DANCE TECHNIQUE, AND SAFETY INFORMATION TO PARTICIPANTS IN THE SPIRIT, CHEER, AND DANCE TEAM INDUSTRIES DELIVERED BOTH ONLINE AND THROUGH THE CLASSROOM
V (STYLIZED)	3842122	8/31/2010	ATHLETIC SHIRTS, ATHLETIC SHORTS, ATHLETIC TOPS,

			BODYSUITS, DRESSES, HATS, JACKETS, JERSEYS, JUMPERS, LEOTARDS, PANTS, SKIRTS, SWEATERS, SWEATPANTS, SWEATSHIRTS, T-SHIRTS, UNITARDS AND WARM-UP SUITS
VARSITY TV	3858342	10/5/2010	AN INTERACTIVE WEBSITE FEATURING ENTERTAINMENT INFORMATION AND CHEERLEADING VIDEOS FOR STUDENTS AND TEENS
VARSITY TV	3920302	2/15/2011	ONLINE SOCIAL NETWORKING SERVICES FOR STUDENTS AND TEENS
VARSITY	3928856	3/8/2011	FOOTWEAR, NAMELY, CHEERLEADER SHOES, DANCE SHOES, SLIPPERS, FLIP-FLOPS AND SANDALS; ATHLETIC SHOES
V VARSITY SHOP AND DESIGN	4110341	3/6/2012	ON-LINE RETAIL STORE SERVICES FEATURING DVDS, COMPACT DISCS, JEWELRY, ATHLETIC SHIRTS, ATHLETIC SHORTS, ATHLETIC TOPS, BODYSUITS, DRESSES, HATS, JACKETS, JERSEYS, LEOTARDS, PANTS, SHIRTS, SHORTS, SKIRTS, SWEATERS, SWEATPANTS, SWEATSHIRTS, T-SHIRTS, UNITARDS AND WARM-UP SUITS, SPORTS BAGS, CARRY-ALL BAGS, SHOULDER BAGS, BACKPACKS, KNAPSACKS, DUFFLE BAGS, ALL-PURPOSE SPORTING BAGS, ALL-PURPOSE CARRYING BAGS, TOTE BAGS, UMBRELLAS, SHOE BAGS, MESSENGER BAGS, TRAVEL CASES, KEY HOLDERS, OVERNIGHT BAGS, POM PONS, UNIFORMS FOR CHEERLEADERS, DRILL TEAMS, POM PON SQUADS, PEP SQUADS, FOOTWEAR, NAMELY, ATHLETIC SHOES, CHEERLEADER SHOES, DANCE SHOES, GLOVES, VESTS, CAPS, SPORTS BRAS, SOCKS,

			LOUNGEWEAR
VARSITY ID	4203121	9/4/2012	CUSTOM DESIGN OF WEARABLE APPAREL BASED ON PERSONAL SELECTIONS MADE BY THE CUSTOMER
VARSITY ID (STYLIZED)	4203122	9/4/2012	CUSTOM DESIGN OF WEARABLE APPAREL BASED ON PERSONAL SELECTIONS MADE BY THE CUSTOMER
VARSITY ALL STAR	4258636	12/11/2012	CONDUCTING CHEERLEADING AND DANCE COMPETITIONS AND EVENTS
VARSITY LAST PASS	4314148	4/2/2013	FOOTWEAR, NAMELY, CHEERLEADER SHOES
VARSITY	4403734	9/17/2013	DOWNLOADABLE SOFTWARE IN THE NATURE OF A MOBILE APPLICATION, NAMELY, SOFTWARE FOR ACCESSING, VIEWING, INTERACTING WITH AND DOWNLOADING CONTENT IN THE FIELD OF ENTERTAINMENT, SCHOOL SPIRIT, DANCE, AND CULTURAL CONTENT DIRECTED AT YOUNG ADULTS FOR MOBILE PHONES, HANDHELD COMPUTERS, AND PORTABLE AND HANDHELD DIGITAL ELECTRONIC DEVICES
VARSITY U.	4438199	11/26/2013	IRON-ON TRANSFERS; APPLIQUÉS IN THE FORM OF DECALS; IRON-ON RHINESTONE TRANSFERS; IRON-ON STUD TRANSFERS; BOOKS AND BOOKLETS CONTAINING REMOVABLE AND TEMPORARY TATTOOS; TEMPORARY TATTOOS
VARSITY ALL STAR FASHION	4451703	12/17/2013	MEN AND WOMEN'S CHEERLEADER AND DANCE TEAM CLOTHING, NAMELY, SKIRTS, SWEAT SUITS, TOPS, PANTS
VINTAGE VARSITY	4464123	1/7/2014	JACKETS, WARM-UP SUITS; UNIFORMS FOR CHEERLEADERS, DRILL TEAMS, POM PON SQUADS, AND DANCERS

VARSITY COUTURE	4526644	5/6/2014	ATHLETIC SHIRTS, ATHLETIC SHORTS, ATHLETIC TOPS, BODYSUITS, DRESSES, HATS, VISORS, CAPS, JACKETS, JERSEYS, JUMPERS, LEOTARDS, PANTS, JEANS, DENIMS, SHIRTS, SHORTS, SKIRTS, SWEATERS, SWEATPANTS, SWEATSHIRTS, T-SHIRTS, UNITARDS, MIDRIFFS, TANK TOPS, BODY SUITS AND WARM-UP SUITS; UNIFORMS FOR CHEERLEADERS, DRILL TEAMS, POM PON SQUADS, PEP SQUADS, MASCOTS, BANDS, BOOSTER CLUBS AND DANCERS; FOOTWEAR, NAMELY, ATHLETIC SHOES, CHEERLEADER SHOES, GYMNASTIC SHOES, DANCE SHOES, SLIPPERS, FLIP-FLOPS, SANDALS, SNEAKERS AND SHOES; GLOVES, VESTS, TIGHTS, INFANT WEAR, HOSIERY, NECKTIES, GIRDLES, SPORTS BRAS, SOCKS, SLEEPWEAR, UNDERWEAR, NIGHT SHIRTS, LOUNGEWEAR, BOXER SHORTS, ROBES, PAJAMAS AND ROBE SETS, PRIMARILY COMPRISING ROBES, BANDANAS AND HEADBANDS
MYVARSITY	4546436	6/10/2014	APPLICATION SOFTWARE AND DOWNLOADABLE APPLICATION SOFTWARE INCORPORATING A GRAPHICAL USER INTERFACE FOR ACCESS AND DELIVERY OF ONLINE SERVICES IN THE FIELDS OF CHEERLEADING AND DANCE CAMPS, COMPETITIONS AND EVENTS
VARSITY DANCE	4593424	8/26/2014	CLOTHING, NAMELY, UNIFORMS FOR DRILL TEAMS, DANCE TEAMS AND POM PON SQUADS
VARSITY ALL STAR	4607865	9/23/2014	BUSINESS INFORMATION AND ACCOUNTING ADVISORY SERVICES; SPECIAL EVENT PLANNING FOR BUSINESS

			<p>PURPOSES, NAMELY, PROVIDING GYM OWNERS AND COACHES SCHEDULING INFORMATION FOR CHEERLEADING AND DANCE COMPETITIONS AND EVENTS INFORMATION WITH RESPECT TO CHEERLEADING AND DANCE UNIFORMS</p> <p>PROVIDING EDUCATIONAL COURSES AND REVENUE-SHARING EDUCATIONAL PROGRAMS IN THE FIELD OF CHEERLEADING AND DANCE TO GYM OWNERS AND COACHES; PROVIDING CHOREOGRAPHY SERVICES FOR OTHERS</p>
VARSITY TOUCHDOWN	4615138	9/30/2014	<p>ATHLETIC SHIRTS, ATHLETIC SHORTS, ATHLETIC TOPS, BODYSUITS, DRESSES, HATS, VISORS, CAPS, JACKETS, JERSEYS, JUMPERS, LEOTARDS, PANTS, JEANS, DENIMS, SHIRTS, SHORTS, SKIRTS, SWEATERS, SWEATPANTS, SWEATSHIRTS, T-SHIRTS, UNITARDS, MIDRIFFS, TANK TOPS, BODY SUITS AND WARM-UP SUITS; UNIFORMS FOR CHEERLEADERS, DRILL TEAMS, POM PON SQUADS, PEP SQUADS, MASCOTS, BANDS, BOOSTER CLUBS AND DANCERS; FOOTWEAR, NAMELY, ATHLETIC SHOES, CHEERLEADER SHOES, GYMNASTIC SHOES, DANCE SHOES, SLIPPERS, FLIP-FLOPS, SANDALS, SNEAKERS AND SHOES; GLOVES, VESTS, TIGHTS, INFANT WEAR, HOSIERY, NECKTIES, GIRDLES, SPORTS BRAS, SOCKS, SLEEPWEAR, UNDERWEAR, NIGHT SHIRTS, LOUNGEWEAR, BOXER SHORTS, ROBES, PAJAMAS AND ROBE SETS, PRIMARILY COMPRISING ROBES, BANDANAS AND HEADBANDS</p>

VARSITY PIN TRADING	4625161	10/21/2014	RETAIL STORE SERVICES FEATURING PINS, LANYARDS, PATCHES AND BUTTONS
VARSITY COLORS	4743867	5/26/2015	ATHLETIC SHIRTS, ATHLETIC SHORTS, ATHLETIC TOPS, BODYSUITS, DRESSES, HATS, VISORS, CAPS, JACKETS, JERSEYS, JUMPERS, LEOTARDS, PANTS, JEANS, DENIMS, SHIRTS, SHORTS, SKIRTS, SWEATERS, SWEATPANTS, SWEATSHIRTS, T-SHIRTS, UNITARDS, MIDRIFFS, TANK TOPS, BODY SUITS AND WARM-UP SUITS; UNIFORMS FOR CHEERLEADERS, DRILL TEAMS, POM PON SQUADS, PEP SQUADS, MASCOTS, BANDS, BOOSTER CLUBS AND DANCERS; FOOTWEAR, NAMELY, ATHLETIC SHOES, CHEERLEADER SHOES, GYMNASTIC SHOES, DANCE SHOES, SLIPPERS, FLIP-FLOPS, SANDALS, SNEAKERS AND SHOES; GLOVES, VESTS, TIGHTS, INFANT WEAR, HOSIERY, NECKTIES, GIRDLES, SPORTS BRAS, SOCKS, SLEEPWEAR, UNDERWEAR, NIGHT SHIRTS, LOUNGEWEAR, BOXER SHORTS, ROBES, PAJAMAS AND ROBE SETS, PRIMARILY COMPRISING ROBES, BANDANAS AND HEADBANDS
VARSITY UNIVERSITY	4823834	9/29/2015	PROVIDING EDUCATIONAL COURSES, INSTRUCTIONAL COURSES, AND SEMINARS IN THE FIELDS OF SCHOOL SPIRIT, SPIRIT TEAMS, SPIRIT COACHING, ACHIEVING SPORTS AND SCHOOL GOALS, AND SAFETY INFORMATION TO PARTICIPANTS IN SPORTS
MARK	APP. NO.	APP. DATE	GOODS/SERVICES
VARSITY	85883582	3/22/2013	JEWELRY MAKING KITS STICKERS; TEMPORARY TATTOOS; SCRAPBOOKS; ART SUPPLIES,

			NAMELY, ART AND CRAFT PAINT KITS, ARTS AND CRAFTS CLAY KITS, MODELING CLAY, PAPER RIBBONS, PAPER GIFT WRAP BOWS, DECORATIVE BOXES OF PAPER OR CARDBOARD, PAPER PATCHES FOR CLOTHING; PHOTO ALBUMS; PAPER GIFT WRAP; AND KEEPSAKE BOXES OF CARDBOARD RIBBONS; HAIR RIBBONS; DECORATIVE RIBBONS; HAIR BOWS; BOWS FOR WRAPPING; SEW-ON APPLIQUÉS; IRON-ON APPLIQUÉS; ORNAMENTAL CLOTH PATCHES
VARSITY LIFE	86012461	7/17/2013	ATHLETIC SHIRTS, ATHLETIC SHORTS, ATHLETIC TOPS, BODYSUITS, DRESSES, JACKETS, JERSEYS, JUMPERS, LEOTARDS, PANTS, SHORTS, SHIRTS, SKIRTS, SKORTS, SWEATERS, SWEATPANTS, SWEATSHIRTS, T-SHIRTS, UNITARDS, BODY SUITS AND WARM-UP SUITS; UNIFORMS FOR CHEERLEADERS, DRILL TEAMS, POM PON SQUADS, PEP SQUADS, MASCOTS, BANDS AND BOOSTER CLUBS; FOOTWEAR, NAMELY, ATHLETIC SHOES, CHEERLEADER SHOES, DANCE SHOES, GYMNASTICS SHOES, SLIPPERS, SNEAKERS, FLIP-FLOPS, SANDALS AND SHOES; GLOVES, VESTS, TIGHTS, MIDRIFFS, PONCHOS, BABIES' CLOTHING, CAPS, HATS, VISORS, HOSIERY, NECKTIES, GIRDLES, SPORTS BRAS, SOCKS, SLEEPWEAR, UNDERWEAR, NIGHT SHIRTS, LOUNGEWEAR, BOXER SHORTS, ROBES, PAJAMA AND ROBE SETS; JEANS, DENIMS, BELTS
VARSITY LIFE	86018022	7/23/2013	COSMETICS, NAMELY, LIPSTICK, LIP LINER, FACE POWDER, BLUSH,

			<p>MASCARA, EYELINER, EYEBROW PENCIL, AND EYE SHADOW; HAIR SPRAYS AND HAIR GELS,...</p> <p>PRE-RECORDED VIDEOTAPES, DVDS AND COMPACT DISCS CONTAINING MUSIC AND/OR MOVIES; VIDEOGAME TAPE CASSETTES; VIDEO GAME CASSETTES; VIDEO GAME SOFTWARE; DOWNLOADABLE...</p> <p>JEWELRY, CHARMS AND KEY HOLDERS OF PRECIOUS METALS</p> <p>MAGAZINES IN THE FIELDS OF CHEERLEADING, DANCE, SOCCER, GYMNASTICS, VOLLEYBALL, LACROSSE, FOOTBALL, BASKETBALL, BASEBALL AND TRACK AND FIELD</p> <p>GRIP BAGS, LUGGAGE, HANDBAGS, COSMETIC CASES SOLD EMPTY, WALLETS, SPORTS BAGS, CARRY-ALL BAGS, SHOULDER BAGS, BACKPACKS, KNAPSACKS, RUCKSACKS, DUFFLE BAGS,...</p> <p>HOME FURNISHINGS, NAMELY, SOFAS, CHAIRS AND NON-METAL KEY HOLDERS</p> <p>BED SHEETS, FITTED BED SHEET COVERS, BED FLAT SHEETS, PILLOW CASES; PILLOW SHAMS; DUVETS; DUVET COVERS AND BLANKETS FOR OUTDOOR...</p> <p>TOYS, NAMELY, TOY VEHICLES, MOLDED PLASTIC TOY FIGURINES, ELECTRONIC LEARNING TOYS AND ACTION FIGURES; DOLLS; STUFFED TOY ANIMALS; GAMES, NAMELY,...</p>
A VARSITY ACHIEVEMENT BRAND	86315936	6/20/2014	<p>JEWELRY, NAMELY, WATCHES, CLASS RINGS, RINGS, KEYS, CHARMS, AND PINS; KEY CHAINS AS JEWELRY</p> <p>EDUCATIONAL PUBLICATIONS, NAMELY, EDUCATIONAL</p>



			<p>LEARNING CARDS, FLASH CARDS, ACTIVITY CARDS, WORKBOOKS, TEXTBOOKS, ACTIVITY BOOKS, STORY BOOKS, PUZZLE BOOKS, PRINTED PUZZLES, TEACHER GUIDES, MANUALS, POSTERS AND EDUCATIONAL BOOKLETS IN THE FIELD OF LIFE SCIENCE; TEXTBOOKS IN THE FIELD OF LIFE SCIENCE; EDUCATIONAL PROGRAM MATERIALS, NAMELY, PRINTED TEACHERS' GUIDES IN THE FIELD OF SOCIAL STUDIES; GLOBES; THREE-DIMENSIONAL MODELS AND MAPS; BOOKS, NAMELY, YEARBOOKS, ANNUALS, AND OTHER COMMEMORATIVE PUBLICATIONS; PHOTOGRAPHS; FINE PAPER PRODUCTS, NAMELY, DIPLOMAS, STATIONERY, ANNOUNCEMENTS, NAME CARDS; YEARBOOKS FOR EDUCATIONAL INSTITUTIONS CONTAINING INFORMATION RELATED TO ALUMNI; MAPS, POSTERS, PENCILS, PENS, STATIONERY, PRINTED CERTIFICATES, GREETING CARDS, BOOKS, EVENT PROGRAMS, BANNERS, MOTIVATIONAL CARDS, NEWSLETTERS AND BROCHURES IN THE FIELDS OF EDUCATION, MOTIVATION, LEADERSHIP, TEAMWORK, AND CHARACTER DEVELOPMENT</p> <p>PICTURE FRAMES AND CERTIFICATE FRAMES</p> <p>CHOIR ROBES AND COLLARS; CLERGY ROBES AND STOLE; ACADEMIC ROBES; CONFIRMATION ROBES; GRADUATION ROBES, GRADUATION CAPS; CAPS; TAMS; GOWNS; HOODS; NECKBANDS; MORTARBOARDS, NAMELY, CAPS</p>
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			<p>WORN DURING ACADEMIC CEREMONIES; JUDICIAL ROBES, NURSES CAPES, SURPLICES, COTTAS, RABATS, AND STOLE; SHIRTS</p> <p>PROMOTING PUBLIC AWARENESS OF THE IMPORTANCE OF RESPONSIBLE ACTIONS ON THE PART OF YOUTHS IN THE AREAS OF COMMUNITY OUTREACH, IMPROVING GRADES AND TEAMWORK AND DISTRIBUTION OF PRINTED MATERIAL IN CONNECTION THEREWITH PROVIDING EDUCATIONAL SCHOLARSHIPS</p> <p>EDUCATIONAL SERVICES, NAMELY, CONDUCTING PROGRAMS IN THE FIELD OF CHARACTER DEVELOPMENT, LEADERSHIP AND MOTIVATION; PUBLICATION OF BOOKS, NAMELY, YEARBOOKS, ANNUALS, AND OTHER COMMEMORATIVE BOOKS</p>
A VARSITY SPORT BRAND	86316142	6/20/2014	<p>LEATHER KEY CHAINS; SPORTS BAGS, ATHLETIC BAGS, CARRY-ALL BAGS, GYM BAGS, TRAVEL BAGS</p> <p>CLOTHING, NAMELY, CAPS, BEANIES, HATS, VISORS, T-SHIRTS, POLO SHIRTS, SWEATSHIRTS AND HOODED SWEATSHIRTS, SWEATPANTS, JACKETS, PANTS, SHOES</p> <p>SPORTS EQUIPMENT, NAMELY, BUCKET CADDY FOR CARRYING, STORING AND TRANSPORTING BALLS AND OTHER SPORTS EQUIPMENT, SOCCER GOALS, STRESS RELIEF BALLS FOR HAND EXERCISE, STRESS RELIEF CUBES FOR HAND EXERCISE; ATHLETIC PROTECTIVE PADS FOR FOOTBALL;</p>

			<p>TOSSING AND CATCHING GAMES, NAMELY, DISC TOSS GAMES CONSISTING ESSENTIALLY OF FLYING DISCS, BEAN BAGS, BEAN BAG GAMES, SHUFFLE BOARDS, SHUFFLE BOARD GAMES; SCOOTER BOARD, SCOOTER BOARD GAMES; EQUIPMENT UTILIZED DURING THE PLAYING OF SPORTS, NAMELY, BOUNDARY CONES; BOWLING SETS; PUMPS FOR INFLATING SPORTS EQUIPMENT, NAMELY, BASKETBALLS, FOOTBALLS, SOCCER BALLS, AND PLAYGROUND BALLS; COOPERATIVE PLAY EQUIPMENT, NAMELY, PLASTIC HOOPS, NAMELY, TOY HOOP SETS; TEAMWORK TREKKERS; GAME SET COMPRISING BALL, STAND, BAT, PADDLE AND BALL; JUGGLING EQUIPMENT; HORSESHOES FOR RECREATIONAL PURPOSES; BADMINTON SETS; FLOOR HOCKEY SETS COMPRISING, FLOOR HOCKEY STICKS, FLOOR HOCKEY PUCKS, FLOOR HOCKEY BALLS; TABLE TENNIS ACCESSORIES, NAMELY, BALLS, NETS, PADDLES, POST SETS, RACKETS, TABLES; FOOSBALL TABLES; FOOSBALL TABLE ACCESSORIES, NAMELY, BALLS; MULTI-PURPOSE GAME TABLES, AIR-POWERED HOCKEY TABLES, BUMPER POOL TABLES; PERSONAL REST AND EXERCISE MATS; ATHLETIC FLOOR TAPE FOR MARKING PLAY AREAS AND GYM MATS FOR GAMES; TABLE TOP GAMES; NAMELY, BASKETBALL GAMES AND FOOTBALL GAMES AND TABLE TOP GAME STANDS FOR USE THEREWITH; BILLIARD GAME PLAYING EQUIPMENT;</p>
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			<p>SHUFFLEBOARD TABLES; PERSONAL FITNESS MATS; SWING SETS; CROQUET SETS; SOCCER EQUIPMENT, NAMELY, SOCCER GAME TABLES AND SOCCER CORNER FLAGS; OVERSIZED VINYL PLAY BALLS FOR CHILDREN; POOL TABLES AND ACCESSORIES, NAMELY, CUES, CUE RACKS, CUE TIPS, BALL TRAYS, TRIANGLES, POOL BALLS, CHALK AND BUMPERS; AND TABLE TENNIS EQUIPMENT, NAMELY, PADDLES, BALLS, PADDLE FACES, CLAMPS AND NETS; SPORTS EQUIPMENT, NAMELY, RACKS SPECIALLY ADAPTED FOR THE STORAGE OF FOOTBALL HELMETS AND FOOTBALL SHOULDER PADS, ANCHORLESS PYLONS, ATHLETIC TAPE, BLOCKING DUMMY AND REPLACEMENT PARTS THEREFOR, BLOCKING SLEDs FOR SPEED AND STRENGTH TRAINING OF FOOTBALL PLAYERS, CHIN STRAPS FOR FOOTBALL HELMETS, PROTECTIVE ATHLETIC CUPS AND SUPPORTERS, BAGS SPECIALLY ADAPTED FOR SPORTS EQUIPMENT, FOOTBALL DOWN MARKERS AND CHAIN SETS, FOOTBALL GIRDLES, FOOTBALL PAD SETS, INCLUDING HIP, THIGH AND KNEE PADS, AND FOOTBALL SHOULDER PADS AND ACCESSORIES THEREFOR; GOAL POST PADS, FOOTBALL TRAINING EQUIPMENT, NAMELY, HANDLE SHIELDS IN THE NATURE OF PADS WITH REINFORCED HANDLES FOR USE DURING FOOTBALL DRILLS, EXERCISE EQUIPMENT IN THE NATURE OF HIGH STEP MACHINES FOR AGILITY TRAINING, KICKING</p>
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			<p> CAGES, KICKING TEE, LINEMAN CHUTE FOR SPEED TRAINING, LINEMAN MARKERS, MOUTH PIECES FOR ATHLETIC USE, PUNTING CAGES, PYLONS FOR MARKING THE GOAL LINE AND END ZONE, FOOTBALL PADS TO BE WORN ON HANDS AND FOREARMS DURING FOOTBALL DRILLS, AND SHOULDER PADS AND ACCESSORIES, NAMELY, NECK ROLL PADS, BICEPS PADS, BACK PLATES, STERNUM PLATES, SHOULDER PAD ELASTIC, AND SHOULDER PAD LACES; CLOTHING ESPECIALLY ADAPTED FOR SPORT USE IN THE NATURE OF CHAINMAN'S AND BOXMAN'S VESTS, FOOTBALL PANTS, SCRIMMAGE VESTS, AND FLAX VESTS IN THE NATURE OF PADDED VESTS SPECIALLY ADAPTED FOR USE IN THE SPORT OF FOOTBALL; BASEBALLS AND SOFTBALLS, BASEBALL BATS, SOFTBALL BATS, BASEBALL GLOVES, AND SOFTBALL GLOVES; BALLS, MATS, HOOPS, ROPES, BAGS, HURDLES, ARCHES AND CONDUITS FOR A SPECIALLY-DESIGNED FITNESS COURSE; ATHLETIC LANDING CUSHION APPARATUS-NAMELY, TUMBLING MATS, LANDING CUSHIONS FOR HIGH JUMPERS AND POLE VAULTERS, AND ACCESSORIES INCLUDING COVERS FOR SUCH TUMBLING MATS AND LANDING CUSHIONS, AND VAULTING BOXES FOR USE WITH VAULTERS' LANDING CUSHIONS; ATHLETIC EQUIPMENT, NAMELY, HURDLES, STARTING BLOCKS, HIGH JUMP AND POLE VAULT </p>
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			<p> CROSS BARS, JUMP STANDARDS,  VAULT STANDARDS, TOE BOARDS,  TAKE-OFF BOARDS, BATTING TEES,  KICKING CAGES, ATHLETIC  AGILITY TRAINING UNITS  COMPOSED OF METAL RODS  SUPPORTING A RECTANGULAR  GRID OF CORDING, AND SOCCER  GOALS; NETS USED IN THE GAMES  OF TENNIS, BADMINTON, VOLLEY  BALL, WATER POLO, SOCCER,  SKEET, LACROSSE, FIELD AND ICE  HOCKEY, BASKETBALL, PADDLE  TENNIS, DECK TENNIS, HAND  TENNIS, RING TENNIS, AND FOR  GYMNASIUM NETS, GOLF  PRACTICE AND BASEBALL  BATTING CAGES, BASEBALL  PROTECTION AND BASEBALL AND  TENNIS BACKSTOP NETS, AND  SPECIALLY ADAPTED NETS FOR  DIVIDING OR PARTITIONING  GYMNASIUM AND OTHER SPORTS  AND GAME AREAS; MANUALLY-  OPERATED EXERCISE EQUIPMENT  AND EXERCISE MACHINES;  SPECIALLY DESIGNED BAGS FOR  SPORTS EQUIPMENT  MAIL ORDER CATALOG SERVICES,  ONLINE RETAIL STORE SERVICES,  AND WHOLESALE  DISTRIBUTORSHIP SERVICES ALL  IN THE FIELDS OF SPORTING AND  ATHLETIC GOODS, EQUIPMENT  AND SUPPLIES, PHYSICAL FITNESS  AND EXERCISE EQUIPMENT,  CHILDREN'S PLAY EQUIPMENT,  ELECTRONIC AND ACTION SKILL  GAMES AND RECREATIONAL  EQUIPMENT, SUPPLIES AND  ACCESSORIES THEREFOR; ONLINE  RETAIL STORE SERVICES  FEATURING CLOTHING, UNIFORMS </p>
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			AND FOOTWEAR, SPORTING AND ATHLETIC GOODS, EQUIPMENT AND SUPPLIES; CUSTOMIZED ONLINE RETAIL STORE SERVICE FEATURING A CUSTOMIZED PRE-DESIGNATED INVENTORY OF CLOTHING, UNIFORMS, FOOTWEAR, AND SPORTING AND ATHLETIC GOODS, EQUIPMENT AND SUPPLIES
VARSITY GIRL	86824500	11/18/2015	<p>COSMETICS, NAMELY, LIPSTICK, LIP LINER, FACE POWDER, BLUSH, MASCARA, EYELINER, EYEBROW PENCIL, AND EYE SHADOW; HAIR SPRAYS AND HAIR GELS, BODY LOTIONS; BODY BUTTER; COLOGNES; PERFUMES; BATH GELS; BUBBLE BATH; DEODORANTS FOR PERSONAL USE; LIP GLOSS; LIP BALM; COMPACTS CONTAINING MAKEUP; NAIL POLISH</p> <p>PRE-RECORDED VIDEOTAPES, DVDS AND COMPACT DISCS CONTAINING MUSIC AND/OR MOVIES; VIDEOGAME TAPE CASSETTES; VIDEO GAME CASSETTES; VIDEO GAME SOFTWARE; DOWNLOADABLE SOFTWARE IN THE NATURE OF A MOBILE APPLICATION FOR MOBILE PHONES AND OTHER MOBILE DEVICES INCORPORATING A GRAPHICAL USER INTERFACE FOR USE IN DATABASE MANAGEMENT AND RETRIEVAL OF DATA; MEGAPHONES</p> <p>JEWELRY, CHARMS AND KEY HOLDERS OF PRECIOUS METALS</p> <p>MAGAZINES IN THE FIELDS OF CHEERLEADING, DANCE, SOCCER, GYMNASTICS, VOLLEYBALL, LACROSSE, FOOTBALL,</p>

			<p> BASKETBALL, BASEBALL AND  TRACK AND FIELD  GRIP BAGS, LUGGAGE, HANDBAGS,  COSMETIC CASES SOLD EMPTY,  WALLETS, SPORTS BAGS, CARRY-  ALL BAGS, SHOULDER BAGS,  BACKPACKS, KNAPSACKS,  RUCKSACKS, DUFFLE BAGS,  FANNYPACKS, WAIST PACKS,  WRIST PACKS, ALL-PURPOSE  SPORTING BAGS, ALL-PURPOSE  CARRYING BAGS, TOTE BAGS,  UMBRELLAS, SHOE BAGS FOR  TRAVEL, MESSENGER BAGS,  TRAVEL CASES, UNFITTED VANITY  CASES AND VANITY CASES SOLD  EMPTY, KEY CASES; WALKING  STICKS AND OVERNIGHT BAGS  HOME FURNISHINGS, NAMELY,  SOFAS, CHAIRS AND NON-METAL  KEY HOLDERS  BED SHEETS, FITTED BED SHEET  COVERS, BED FLAT SHEETS,  PILLOW CASES; PILLOW SHAMS;  DUVETS; DUVET COVERS AND  BLANKETS FOR OUTDOOR USE,  BLANKETS FOR BEDDING  ATHLETIC SHIRTS, ATHLETIC  SHORTS, ATHLETIC TOPS,  BODYSUITS, DRESSES, JACKETS,  JERSEYS, JOGGING SUITS, JUMPERS,  LEOTARDS, PANTS, SHORTS,  SHIRTS, SKIRTS, SKORTS,  SWEATERS, SWEATPANTS,  SWEATSHIRTS, T-SHIRTS,  UNITARDS, BODY SUITS AND  WARM-UP SUITS; UNIFORMS FOR  CHEERLEADERS, DRILL TEAMS,  POM PON SQUADS, PEP SQUADS,  MASCOTS, BANDS AND BOOSTER  CLUBS; FOOTWEAR, NAMELY,  ATHLETIC SHOES, CHEERLEADER  SHOES, DANCE SHOES, </p>
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			GYMNASTICS SHOES, SLIPPERS, SNEAKERS, FLIP-FLOPS, SANDALS AND SHOES; GLOVES, VESTS, TIGHTS, MIDRIFFS, PONCHOS, BABIES' CLOTHING, NAMELY, TOPS AND BOTTOMS; CAPS, HATS, VISORS, HOSIERY, NECKTIES, GIRDLES, SPORTS BRAS, SOCKS, SLEEPWEAR, UNDERWEAR, NIGHT SHIRTS, LOUNGEWEAR, BOXER SHORTS, ROBES, PAJAMA AND ROBE SETS; JEANS, DENIMS, BELTS TOYS, NAMELY, TOY VEHICLES, MOLDED PLASTIC TOY FIGURINES, ELECTRONIC LEARNING TOYS AND ACTION FIGURES; DOLLS; STUFFED TOY ANIMALS; GAMES, NAMELY, ACTION SKILL GAMES, TARGET GAMES, BOARD GAMES, PARLOR GAMES, AND EDUCATIONAL CARD GAMES; JIGSAW PUZZLES AND MANIPULATIVE PUZZLES; CHEERLEADING POM-POMS; SPORTS BALLS, NAMELY, SOFTBALLS, BASEBALLS, FOOTBALLS, BASKETBALLS, VOLLEYBALLS, RACQUETBALLS AND TENNIS BALLS; SPORTS EQUIPMENT, NAMELY, TENNIS RACQUETS AND GOLF CLUBS
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14. Plaintiffs have extensively advertised and promoted Plaintiffs' goods and services under the Varsity Trade Names and the VARSITY Family of Marks for many years through various media. The VARSITY Family of Marks have also been the subject of widespread unsolicited media coverage across the United States and internationally.

15. As a result of the long and continuous use of the VARSITY Family of Marks, and Varsity's substantial investment of time, money and effort in advertising and promoting such

marks, the VARSITY Family of Marks have developed substantial public recognition; and by virtue of Plaintiffs' extensive use in commerce of the Varsity Trade Names and the VARSITY Trademarks, the relevant trade and public have come to associate goods and services bearing VARSITY as a trademark with Plaintiffs.

### **DEFENDANTS' INFRINGING ACTIVITIES**

16. Notwithstanding the extensive nationwide, indeed worldwide, use of the VARSITY Family of Marks, Defendants maintain an online interactive media website under the domain name "varsity views.com" using the name VARSITY VIEWS ("the VARSITY VIEWS trademark").

17. In 2015, Varsity became aware that Defendant Varsity Views, LLC had filed an application with the United States Patent and Trademark Office to register the VARSITY VIEWS mark (Application Serial No. 86399694) for use with respect to "Providing a website for entertainment purposes featuring technology to enable photographers and users to upload, post, show, display, tag, share and otherwise provide digital photographs over the internet or other communication networks" in Class 42, with an alleged date of first use in commerce of August 10, 2014.

18. Upon learning of this application, Varsity's counsel contacted Defendant's counsel of record in the United States Patent and Trademark Office on September 1, 2015 and raised objections to the adoption and use of "Varsity" and a stylized V.

19. While Varsity objected to Defendants' use of the Varsity name in *any* form, it emphasized that Varsity Views was using the mark VARSITY VIEWS in connection with a stylized V in the following stylized forms:



that is strikingly close in stylization and blue coloring in the stylized “V” currently used by Varsity.

20. Varsity has filed an opposition to the application to register VARSITY VIEWS, and such opposition is pending in before the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office, under Opposition No. 1224668.

21. The services provided by Varsity Views on its interactive website include photographic news reports of high school and college sports including photographs of cheerleaders and cheerleading performances. Through its website, Varsity Views permits users to upload photographs of local sporting events and permits downloading or copying of these photographs by interested viewers for a fee.

22. The goods and services of Defendants are substantially similar and related to goods and services offered by Plaintiffs including, without limitation, the online media and news services offered by VARSITY TV.

23. Defendants’ VARSITY VIEWS mark so resembles Plaintiffs’ VARSITY Family of Marks and the Varsity Trade Name as applied to their goods and services that it is likely to cause confusion, mistake and/or deception, or to cause people to assume that Defendants’ services are sponsored by, or produced under license from or are otherwise affiliated with Plaintiffs.

**COUNT I – TRADEMARK INFRINGEMENT**

24. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 23 above.

25. Defendants' activities as described above constitute infringement of Plaintiffs' VARSITY Family of Marks in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

26. Defendants knew or should have known of the existence of Plaintiff's Registered Marks at the time Defendants adopted and began using the VARSITY VIEWS trademark.

27. Defendant's unlawful activities result and will result in irreparable harm and injury to Plaintiffs. Among other harms, these acts deprive Plaintiffs of their absolute right to determine the manner in which their image is presented to the general public; deceive the public as to the origin and sponsorship of Defendants' services and wrongfully trade upon Plaintiffs' reputation and exclusive rights in Plaintiffs' Registered Marks.

28. Defendants' use of the VARSITY VIEWS mark is confusingly similar to Plaintiffs' Registered Marks.

29. Defendants' online media services are the same or substantially similar to Plaintiffs' services and are offered to the same U.S. customers of Plaintiffs' products and services.

30. Defendants' actions caused and, if not enjoined, will continue to cause serious and irreparable injury and damage to Plaintiffs and to the goodwill associated with the Plaintiffs' Registered Marks.

31. Plaintiffs have no adequate remedy at law.

**COUNT II – UNFAIR COMPETITION**

32. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 31 above.

33. Defendants' actions are likely to cause confusion as to the source or sponsorship of Plaintiffs' goods and services.

34. Defendants' actions constitute false representation and false designation of origin in violation of Section 43(a)(1)(B) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(B).

35. Defendants' actions caused and, if not enjoined, will continue to cause serious and irreparable injury and damage to Plaintiffs and to the goodwill associated with the VARSITY Family of Marks.

36. Plaintiffs have no adequate remedy at law.

**COUNT III – COMMON LAW UNFAIR COMPETITION**

37. Plaintiffs' repeat and reallege the allegations contained in paragraphs 1 through 37 above.

38. Defendants' actions constitute unfair competition in violation of the common law of the State of Illinois.

39. Defendants' actions caused and, if not enjoined, will continue to cause serious and irreparable injury and damage to Plaintiffs and to the goodwill associated with the VARSITY Family of Marks.

40. Plaintiffs have no adequate remedy at law.

**COUNT IV – ILLINOIS UNIFORM DECEPTIVE TRADE PRACTICES ACT**

41. Plaintiffs' repeat and reallege the allegations contained in paragraphs 1 through 40 above.

42. Defendants' use of the VARSITY VIEWS trademark is likely to cause confusion as to the source or sponsorship of Defendants' goods and services.

43. Defendants' actions were willful or intentional, in that they were done with deliberate disregard or reckless indifference to the rights of Plaintiffs.

44. Defendants' actions violate the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS 510/2.

45. Defendants' actions are likely to and did injure Plaintiffs. Those actions caused and, if not enjoined, will continue to cause serious and irreparable injury and damage to Plaintiffs and to the goodwill associated with the VARSITY Family of Marks.

46. Plaintiffs have no adequate remedy at law.

**COUNT V – ILLINOIS CONSUMER FRAUD AND  
DECEPTIVE BUSINESS PRACTICES ACT**

47. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 46 above.

48. The violation of Illinois Uniform Deceptive Trade Practices Act described in Count IV also constitutes a violation of the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/2.

49. Defendants' actions were willful or intentional, in that they were done with deliberate disregard or reckless indifference to the rights of Plaintiffs.

50. Defendants' actions are likely to and did injure Plaintiffs. Those actions caused and, if not enjoined, will continue to cause serious and irreparable injury and damage to Plaintiffs and to the goodwill associated with the VARSITY Family of Marks.

51. Plaintiffs have no adequate remedy at law.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs respectfully request that the Court:

A. Preliminarily and permanently enjoin Defendants, their officers, agents, employees, and related companies, and all persons acting for, with, by, through, or under them, from:

(i) Using the designation "VARSITY VIEWS" or a stylized V or any other mark, term, name, title or domain name confusingly similar to Plaintiffs' VARSITY Family of Marks; and

(ii) Committing any other act calculated or likely to cause the public to believe that Defendants are in any manner connected, affiliated or associated with Plaintiffs or from otherwise competing unfairly with Plaintiffs;

B. Order Defendants, pursuant to 15 U.S.C. § 1118, to deliver to Plaintiffs for destruction all material (including, without limitation, all inventory, advertisements, promotional materials, brochures, signs, displays, stationary, business cards and/or invoices) within their possession, custody or control, either directly or indirectly, that bear the designation "VARSITY

VIEWS” or the stylized V or any other mark, term or title confusingly similar to Plaintiffs’ Trademarks;

C. Direct Defendants, pursuant to 15 U.S.C. § 1116(a), to file with the Court and serve upon Plaintiffs, within thirty (30) days after entry of final judgment, a report in writing and under oath setting forth in detail the manner and form by which they have complied with the provisions set forth above;

D. Direct Defendants, pursuant to 15 U.S.C. § 1117(a), to account to Plaintiffs for all gains, profits and advantages derived from Defendants’ wrongful acts;

E. Award to Plaintiffs, pursuant to 15 U.S.C. § 1117(a), the greater of three times the amount of Defendants’ profits or any damages sustained by Plaintiffs, together with interest on such amount and the costs of this action;

F. Award to Plaintiffs, pursuant to 15 U.S.C. § 1117(a) and state law, their attorneys’ fees and the costs of this civil action; and



G. Award to Plaintiffs such other and further relief as the Court deems just and proper.

Dated: January 27, 2016

Respectfully submitted,

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